IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SEVENTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL REVISION CASE NO: 465 OF 2007

Criminal Revision Case filed Under Sections 397 and 401 of Cr.P.C aggrieved against the acquittal Order dated.21.12.2006 made passed in S.C.No.729 of 2006 on the file of the Court of the Assistant Sessions Judge, Karimnagar.

Between:

Ijjigiri Veeraiah, S/o. Yellaiah, R/o. Gundlacheruvupalli, H/o. Nusthulapur, Karimnagar District.

...Petitioners/Defacto Complainant

AND

1. The State of Andhra Pradesh, represented by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad.
2. Boddu Lachamma, W/o. Narasiah, R/o. Gundlacheruvupalli, H/o. Nusthulapur, Karimnagar District.
3. Boddu Narasiah, S/o. Mallaiah, R/o Gundlacheruvupalli, H/o. Nusthulapur, Karimnagar District.

...Respondents/Accused

Counsel for the Petitioner: SRI D. BHASKAR REDDY

Counsel for the Respondent No.1: PUBLIC PROSECUTOR (TG)

Counsel for the Respondent Nos.2 and 3: NONE APPEARED

The Court made the following: JUDGMENT

HONOURABLE JUSTICE G.SRI DEVI

CRIMINAL REVISION CASE No. 465 of 2007

JUDGMENT:

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., aggrieved by the order dated 21.12.2006 passed in S.C. No. 729 of 2006 on the file of the Assistant Sessions Judge, Karimnagar, whereby the learned trial Court found the accused, respondent Nos. 2 & 3 herein, not guilty for the offence under Section 306 IPC and acquitted them of the said charge.

The allegations in the complaint, Ex.P.1, dated 03.04.2006 presented by P.W.1, the husband of deceased, Lachamma, are that three months prior to the date of incident, the deceased asked A.1 to clear the pending dues for the milk supplied by her. On the said issue, A.1 raised a quarrel with the deceased and abused her. The husband of A.1, who is A.2, also beat the husband of the deceased with a stick on his head when he questioned the highhandedness of the accused. The accused further alleged that that the deceased was having extra marital affair. On account of the said incident, on 02.04.2006, at about 8:00 p.m., the deceased committed suicide by jumping into the agricultural well. Basing on Ex.P.1 complaint, Police registered a case in Crime No. 58 of 2006 against the accused and after completion of investigation, laid the charge sheet against them for the offence under Section 306 IPC. Considering the evidence brought on record, by the impugned judgment, the learned

trial Court found the accused not guilty of the offence and accordingly acquitted them of the charge under Section 306 IPC. Hence, the present revision by the de facto complainant.

Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the material available on record.

In support of its case, the prosecution has mainly relied on the evidence of P.W.1, the husband of the deceased and P.W.2, who is the daughter of P.W.1 and the deceased. The learned trial Court while evaluating the evidence of P.Ws.1 & 2, has found the evidence of P.Ws.1 & 2 not trustworthy on account of material contradictions and omissions. It was observed, at para 10, as under:-

"10. ...This PW-2 is not a direct witness for suicide committed by Lachamma. She stated that three months prior to the death of her mother, she and her mother Lachamma went to the house of accused for milk amount and her mother Lachamma demanded to pay the amount of milk. Immediately, both the accused started beating her mother. When her father tried to rescue her mother Lachamma, A-2 beat her father with a stick on his head. His father received bleeding injury on his head. She and her father went to the police station and gave report to the police but the police did not take any action against the accused. She also deposed that A-1 abused her mother alleging that she has got illegal contacts with one Kanka Rao 7 months prior to her death. PW-1 stated in his cross-examination that except himself and his wife and both the accused, no others were present at the time of beating incident that took place 8 days prior to the death of Lachamma. Whereas this PW-2 has stated that she and her mother went to the house of both the accused and her mother demanded them to pay milk amount and immediately both the accused started beating her mother

and when his father tried to rescue her mother, A-2 beat him with a stick on his head and her father sustained bleeding injury and therefore, they went to police station and submitted a report. Police did not take any action. This Pw-2 has given a different version. If really she was present at the time of the alleged incident PW-1 would have stated that his daughter was also present at the time of the incident. But simply he stated that he and his wife Lachamm were alone present at the time of incident. PW-2 gave another version that one prior to the death of her mother A-1 abused her mother to go and die by jumping into the well. The evidence of Pw-2 is still full of omissions."

Thus, while analyzing the evidence of P.Ws.1 & 2, the learned trial Court had come to the right conclusion that their presence at the place of occurrence cannot be believed. Even the investigating officer, Sub-Inspector of Police, P.W. 9 has stated that P.W. 2 did not state in her 161 Cr.P.C. statement that three months prior to the death of her mother, her mother and herself went to the house of the accused for milk amount and her mother demanded the accused to pay milk amount upon which, both the accused started beating her mother and when her father tried to rescue her mother, A-2 beat her father with a stick on his head. P.W.9 specifically admitted that P.W. 2 did not state before him in her 161 Cr.P.C. that 7 months prior to the death of her mother, A-1 abused her mother that she has got illegal contacts with one Kanka Rao. Thus, in view of the categorical admissions made by the investigating officer, P.W. 9 and the material contradictions and omissions in the evidence of P.W. 2, the learned trial Court has not given any credence to the evidence of P.W. 2. Since the other witnesses P.Ws.3 and 4 did not support the

case of the prosecution and turned hostile, the learned trial Court has rightly found that the prosecution has miserably failed to prove the guilt of the accused beyond all reasonable doubt and accordingly acquitted them of the charge for the offence under Section 306 IPC. This Court finds no reasons to interfere with the findings recorded by the trial Court.

Hence, the Criminal Revision Case is dismissed confirming the order of acquittal recorded by the Assistant Sessions Judge, Karimnagar in S.C. No. 729 of 2006, dated 21.12.2006.

SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Assistant Sessions Judge, at Karimnagar. (With Records if any)
2. The Station House Officer, LMD Colony Police Station, Karimnagar District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI D. BHASKAR REDDY, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK

SB

HIGH COURT

DATED:07/02/2022

JUDGMENT

CRLRC.No.465 of 2007

DISMISSING THE CRIMINAL REVISION CASE